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December 21, 2010

VIA ECF AND REGULAR MAIL

Hon. Jack B. Weinstein
Senior Judge, United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: U.S.A. v. Besnik Neza
08-CR-26-01 (JBW)

Sentenced
F + D
12/28/10

Dear Judge Weinstein:

This letter is respectfully submitted in connection with the sentencing of defendant Besnik Neza, which is presently scheduled before your Honor for January 4, 2011.

In light of the Supreme Court's decision in **Gall v. United States** and in conjunction with **United States v. Booker/Fanfan** and the Second Circuit's decision in **United States v. Crosby**, 397 F.3d 103 [2d Cir. 2005], which eliminated the mandatory nature of the sentencing guidelines and made said guidelines advisory, it is urged that this Court exercise discretion and impose a reasonable non-guidelines sentence that takes into consideration all of the mitigating facts and circumstances present in this case, as outlined in 18 U.S.C. § 3553(a).

It is respectfully requested that the Court consider Mr. Neza's good employment and school records as indicated in Paragraphs 72, 73, 76 and 77 of the Presentence Report.

Enclosed please find letters from defendant's family and girlfriend.

Therefore, pursuant to **Gall**, **Booker/Fanfan** and **U.S. v. Crosby**, it is requested that your Honor exercise reasonable discretion in sentencing Mr. Neza based on the aforesaid considerations.

Respectfully yours,


Allen Lashley

Encl.

cc: AUSA Rachel Nash, Esq. (via ECF)
Roberta Houlton, U.S. Probation Officer (via ECF)

December 17, 2010

To Whom it may Concern

My name is Rexhep Neza, I am writing this letter in support of my son Besnik Neza. Besnik was born on December 25th 1986, he is my youngest child. Besnik is very nice kid and hard worker. Besnik has a heart of gold, he is sincere and honest kid. He did very well in school and he was well liked by his teachers and his fellow students. At home he is always there for me and my wife Heidi. We never had any problem with him, he always helped out with chores around the house. At his young age after school he got a job working in Hawthorne Deli. He is well liked by all people that come across his path. He always goes out of his way to help others. During summer he would cut the grass of elderly neighbors, and offered to do other chores for them around the house.

When I learned of Besniks illegal activity I could not believe my ears. I could not believe that Besnik is capable of doing something like this. Besnik all his life, he was a good kid and everyone praised him, how good he is. Me and my wife tried to be there for our kids, but because the nature of my work I get to travel from time to time, for months. My wife is also working in order to help out with house expenses.

I had to move from Bronx to Westchester, do to my job. This move or transfer was hardship for me and my family. In the Bronx I had 4 family house, which I had two tenants to help out with house expenses. Here in Westchester it's one family house, the coast of living is much higher, so my wife had to get a job and to help out with living expenses.

I feel responsible for Besniks actions in a way because we were not there for him, when he needed us for guidance. We always tried to be there for our kids, but because our work, we fail to be there for him. We did everything together as a family. My kids were not allowed to go out, or have any friends that we didn't approve.

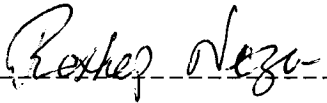
I believe that Besnik has learned from his mistake and he returned home to his family and continued his education. He was embarrassed for his actions, and he apologized to me and my wife Hedi for hurting us. I believe he realized, that type of life was not for him, we did not raise him that way. We raised our kids to be honest and sincere, to know the difference between right and wrong. He realized what he did was wrong, and when I spoke to him, I told him to do the right thing. He cooperated with the FBI and he told them the truth as to what has transpired.

He testified on behalf of the FBI and they got convictions on that case. The FBI moved Besnik out of the house for last two years, for his own safety, they were very pleased with his cooperation.

I believe that Besnik made a mistake and he learned from it. Even do he was a teenager at the time, which doesn't excuse him for his actions but the fact that he realized what he did was wrong, and his cooperated with the FBI to their satisfaction, he should be given the benefit of the doubt, that he has learned from his mistake, and he will not repeat those actions again. I would urge the Court and the Judge to take in consideration his cooperation with FBI and their satisfaction with his cooperation and be lenient in his sentencing.

I Rexhep Neza, have dedicated 25 years of my life working for the Department of Justice, in the interest of justice, here clearly I have failed my own child. I was not there for Besnik, when he needed me, the most to guide him to be there for him, to give him advice.

Yours Truly

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Rexhep Neza

12/19/2010

To Whom it May Concern,

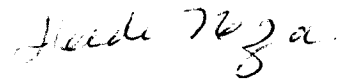
My name is Heidi Neza and I am Besnik Neza's mother. Besnik is the youngest of my four children. Growing up he was always a happy child. He was always kind to others and made friends wherever he went. He also did well in school. Besnik loves sports and especially loves playing sports. He played football, baseball and basketball. He was always a team player and his coaches always raved about how good of a kid he was.

Besnik is very outgoing and is always the first person to help someone in need. In the winter, Besnik would go around the neighborhood and shovel the driveways for all the elderly residents. In school, if he witnessed bullying, he was always the first one to put a stop to it. Besnik has always been a hard worker, and has worked since he was fourteen years old. His first job was at Hawthorne Deli. The owners loved him and trusted him with their store. He was always very mature and people actually think he is older than he really is. People in town tell me all the time that Besnik is so well liked and known, they actually call him the mayor. They know he is a genuinely good kid with a heart of gold.

I do not know what made my son do what he did, but I know that he would never hurt anyone. I think he just got caught up with the wrong people. He was a trustful and naive eighteen year old and I do believe the wrong people took advantage of that. My husband and I were crushed when we heard what he did. It was so out of character for him. I do know that once Besnik realized his mistakes, he immediately made changes to his life and focused all his energy on correcting his errors.

Your honor, I know deep in my heart that Besnik recognizes his mistakes and would never repeat them. I love my children and I want nothing but the best for them. Besnik's actions these last few years show me that he has learned his lesson. I ask with the utmost respect to please give my son another chance. We all learn from our mistakes, and I know that he has. I also know that my son has shown me that he doesn't want to ruin his life and wants to be with his family.

Yours Truly,

A handwritten signature in cursive script that reads "Heidi Neza".

Heidi Neza

To Whom it May Concern,

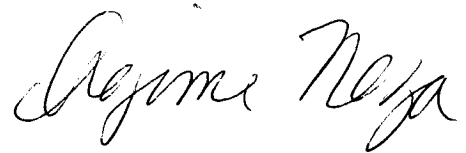
I am writing this letter today with the hopes of being able to shed some insight on my younger brother, Besnik Neza. Besnik is a caring, good-hearted, hard working young man who is trying to correct some past mistakes.

When Besnik was a young, impressionable teenager in college, he found himself hanging out with the wrong crowd. During this time frame he made some some poor decisions that he recognizes were wrong and he is doing everything in his power to change his life for the better. In the last few years, he has matured greatly, and has proven to me that he wants and deserves a bright future.

I know that this letter may seem to be a contradiction based on his past behavior, but I can assure you that his previous behavior was completely out of character. I know that he genuinely feels remorse for what he has done, and I also know that he has worked so hard to better his life. Besnik deserves a chance to continue down this right path. He has a strong support system in place and family that will make sure he never makes the same mistakes twice.

I sincerely hope that this letter can accurately portray how proud I am of who my brother is today.

Sincerely,

A handwritten signature in black ink that reads "Agim Neza". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Agim Neza

December 19, 2010

To whom it may concern:

I am writing this letter of reference for my younger brother, Besnik Neza. Besnik is my youngest brother and has always been considered the "baby of the family." I take great pride and honor in writing this letter. To describe Besnik, the best words to describe him are loyal, humble, outgoing, friendly, warm-hearted and loving. Besnik has always been the "go to guy," for everything. He has always been there to support any of us in any obstacle at hand. Brothers and sisters know each other as we always were. We know each other's hearts. We share private family jokes. We remember family feuds and secrets, family grief's and joys. It has been instilled in us that family sticks together no matter what. My family is supportive, nurturing and inspiring. No matter what obstacle at hand, we will be there for each other in good and bad.

When I learned of Besnik's troubles and circumstance, I was beside myself. I would have never imagined that Besnik would be capable and able of being involved in such a thing. When Besnik and I conversed of this matter, I saw a little boy afraid and disgusted with his choices. I still today, will never understand why Besnik choose that path because it is so out of character for him. What I do know is that Besnik is my baby brother, and no matter what discussion he makes I will be here to support him and guide him in any way. Besnik is my blood and I will stand by him. I feel Besnik has changed for the better and has really matured within the last couple of years. We as a family have endured a lot of pain and suffering but the only thing that remains, we stand together as a family and nothing can break this bond.

Besnik has been cooperative with the FBI, in order to rectify his wrong doing. He moved away from his family in order to cooperate with the FBI. I feel like a part of me was taken away when Besnik had to leave. Besnik has always kept me grounded. Whenever I need him I could always rely on him to be there for me. It is my turn to be there for Besnik. Please take in consideration, that Besnik has a family that loves him very much. Thank You. Kadira Neza

December 19, 2010

To whom it may concern,

My name is Shqipe Neza , I am writing on this letter on behalf of my brother, Besnik "Nick" Neza. My brother Besnik, is one of the sweetest, generous, warm -hearted person that I know. We are a very close family that enjoys one anothers company and we are there for each other through thick and thin. There are four of us and each one of us has our own personality, view and character. Besnik's personality is very outgoing, people person, and anyone that meets him or encounters him, absolutely falls in love with him. For instance, in high school the teachers and students all loved him and he was known as the "schools mayor." He was loved by all and everyone always wanted to be around him. Another amazing thing that Besnik always took responsibility and worked to help pay for his belongings and to help my parents with their expenses. From the first time he was allowed to get his working papers he took responsibility to work and be a great employee, all of his employees feel in love with him and would promote him to a higher level. Besnik always excelled in anything he put his mind to. Besnik has demonstrated throughout his life strong leadership.

When Besnik got involved in his circumstance, he was a naïve & gullible teenage ager. At a young age we all make irrational decisions and learn from our mistakes. My brother at a young age realized that wasn't the life for him and attempted to rectify his life. Besnik moved back home and enrolled full time in school. Today, Besnik is a different person. He missed out on the birth of his first niece, my daughter, Holidays & birthdays away from his family. Besnik had to sacrifice a lot within the last two years away from his family. I feel that Besnik has endured enough pain and really had a lot of time to reflect and understand his wrong doing. I don't personally feel that Besnik should be sentenced and the court and judge should be lenient. Besnik was a young teen when he made these decisions. As I said before we all have made a mistake during our adolescent years but have learned from our mistakes. Besnik is a young man with a bright future ahead of him. Please take in consideration that Besnik was a "baby" when he made these chooses and has suffered and missed out more than anyone. My family and I truly love Besnik and will stand by him no matter what. I take great honor to write this letter on behalf of Besnik.

12/16/2010

To whom it may concern;

My name is Stephany Puente, I am Besnik Neza's girlfriend and we have been together for the past eight months. I am twenty five years old, I live in Stamford CT, and am a nursing student in Norwalk Community College.

I am not fully aware of what the charges are against Nick or what it was that he did in his past, he's very private about it all, as he'd like very much to put all that behind him. I can't talk about what he use to be like as I don't know, but I can tell you about the man I know today. Nick's a wonderful person; he's sensitive, loving, compassionate and will go out of his way to lend a helping hand to anyone. He's incredibly supportive and has encouraged me in ways I've never known. He is my best friend and in these few months has made such an impact on me, that I look forward to a joyous future with him. Nick is unbelievably ambitious as well, he works nights as head of security at a night club and works for the local 147 Sandhogs in the tunnels of New York City. He comes home late some nights and wakes up at four in the morning for his day job. He has such an admirable work ethic and such focus, that it really inspires me to move forward, even when things seem farfetched.

Recently a young kid starting hanging around the bar where Nick works, just hanging outside with Nick and talking to him. He started coming around more and more and opened up to Nick about his past and the trouble he got himself into. This young individual is seventeen and already a father. Nick has since then taken him under his wing so to speak. He gave him a work T-shirt and lets him hang out with him at work and gives him a few bucks at the end of the night. He's also provided him with a phone, in case he needs anything he can call Nick and stay out of trouble. He has such a strong bond with this kid because he knows the kind of trouble he can get into first hand and really wants him to stay away from it.

I don't know the details of what's Nick got himself into, all I know is that as humans

we all make mistake and I know he just wants to put this chapter behind him and move on with his life. We talk about the future a lot and taking our relationship to the next level. He has been such a bright light in my life, that I truly hope he can get past this and find peace, because I know my life wouldn't be the same without him.

Thank you for your time

Sincerely,

Stephany Puente

A handwritten signature in black ink, appearing to read "Stephany Puente", with a stylized flourish at the end.